



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Fifth Meeting Day

Thursday Afternoon

January 12, 2006

The Senate convened at 1:05 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison <input checked="" type="checkbox"/>	Sipes
Heinold	Skinner <input checked="" type="checkbox"/>
Hershman	Smith <input checked="" type="checkbox"/>
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax <input checked="" type="checkbox"/>
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 5: present 46; excused 4. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on January 12, 2006, to render an advisory opinion with regard to the question raised by Senator Waltz about his participation in upcoming votes on Senate Bill 73 due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Waltz and hereby concludes that there is no conflict of interest that would prevent Senator Waltz from participating in all debate and votes pertaining to Senate Bill 73.

The vote of the Committee was 6-0.

ZAKAS, Chair

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 69, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 20, delete "June 30" and insert "**March 20**".

Page 2, after line 26, begin a new paragraph and insert:

"SECTION 2. **An emergency is declared for this act.**".

(Reference is to SB 69 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 231, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 172, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 39, has had the same under consideration and begs leave to report the same back to the

Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 105, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 256, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-20.6-6, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Before July 1, 2006, the county fiscal body**

(1) may adopt an ordinance to authorize the application of the credit under this chapter for one (1) or more calendar years to qualified residential property in the county; and

(2) must adopt an ordinance under subdivision (1) before July 1 of a calendar year to authorize the credit under this chapter for property taxes first due and payable in the immediately succeeding calendar year.

(b) An ordinance adopted under this section of each county must adopt an ordinance to specify ~~the~~ that one (1) or more of the categories of residential property listed in section 4 of this chapter that are is eligible for the credit provided under this chapter for property taxes first due and payable after December 31, 2006.

(b) An ordinance adopted under subsection (a) may not be repealed but may be amended. An amendment to the ordinance:

(1) must be adopted before July 1 of a calendar year;

(2) applies to property taxes first due and payable after December 31 of that calendar year; and

(3) may change the categories of residential property listed in section 4 of this chapter that are eligible for the credit, but may not eliminate the credit as to all of those

categories."

Page 1, line 8, reset in roman "qualified residential property".

Page 1, line 9, delete "homestead".

Page 1, line 11, reset in roman "qualified".

Page 1, line 12, reset in roman "residential property".

Page 1, line 12, delete "homestead".

Page 1, line 15, reset in roman "qualified residential property".

Page 1, line 15, delete "homestead".

Page 1, delete line 17.

Page 2, delete lines 1 through 7.

Page 3, delete lines 12 through 14.

Page 3, line 32, delete "2007." and insert "**2008.**".

Page 3, line 33, after "PASSAGE]" insert "**IC 6-1.1-20.6-6,**".

Page 3, line 34, delete "IC 6-1.1-20.6-8,".

Renumber all SECTIONS consecutively.

(Reference is to SB 256 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 42, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 111, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, after "The advisory council" insert "**may review the corporation's wellness policies on a yearly basis and suggest to the school board for approval changes to the policies that comply with the requirements of federal Public Law 108-265 and IC 5-22-15-24(c) before July 1 of each year.**".

Page 1, delete lines 6 through 7.

Page 2, delete lines 4 through 7.

Page 3, between lines 15 and 16, begin a new line double block indented and insert:

"(D) Isotonic beverages."

Page 3, line 26, delete "limits:" and insert "**limits if the food item contains more than two hundred ten (210) calories:**".

Page 3, line 28, delete "either:".

Page 3, line 29, delete "(A)".

Page 3, line 29, delete "ounces; or" and insert "**ounces.**".

Page 3, run in lines 28 through 29.

Page 3, delete lines 30 through 31.

Page 4, after line 32, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2006] (a) **Notwithstanding IC 20-26-9-19(c), as added by this act, the following percentages**

of foods and beverages sold at school or on school grounds must qualify as a better choice food or a better choice beverage, as described in IC 20-26-9-19(c), as added by this act:

(1) Thirty-five percent (35%), beginning July 1, 2006, through August 31, 2007.

(2) Fifty percent (50%), beginning September 1, 2007.

(b) This SECTION expires December 31, 2008."

Renumber all SECTIONS consecutively.

(Reference is to SB 111 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 17

Senate Concurrent Resolution 17, introduced by Senators Becker, Gard, Miller, and Simpson:

A CONCURRENT RESOLUTION recognizing Barbara Levy Tobey for her dedication to promoting community awareness and developing programs pertaining to numerous women's health issues.

Whereas, In 1998, Barbara Levy Tobey assumed the responsibilities of organizing and directing the newly-formed Office of Women's Health at the Indiana State Department of Health;

Whereas, Since its inception into law by legislative action in 1999, Barbara has served as the Director of the Office of Women's Health;

Whereas, While working to address many areas of women's health issues, Barbara has been particularly focused on issues affecting underserved women;

Whereas, During her tenure as director, the Office of Women's Health has developed and implemented a mini-grant initiative which provides funding for women's health programming statewide. In addition, the office has created women's health programs concerned with cardiovascular disease, osteoporosis, girls' health, physical activity and obesity;

Whereas, Additional initiatives of the Women's Health Division include Heart Truth/WomenHeart, a cardiovascular disease awareness campaign, and an osteoporosis division which provides free bone mineral density screenings to women throughout the state; and

Whereas, Under Barbara's guidance, the Women's Health Division has also published two documents titled, Indiana Takes Action for Women's Health 1999 and Women Count in Indiana: County Data Book 2001. In 2005, Barbara also oversaw the development of an osteoporosis prevention initiative called "Jump Kids Jump!"; Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Barbara Levy Tobey for her service to the State of Indiana as Director of the Women's Health Division of the Indiana Department of Health and expresses gratitude for her dedication to developing programs to address numerous women's health issues.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Barbara Levy Tobey.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Budak and Mays.

SENATE MOTION

Madam President: I move that Senators Lawson and Wyss be added as coauthors of Senate Concurrent Resolution 17.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 315.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be removed as author of Senate Bill 383 and that Senator Steele be substituted therefor.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be added as second author of Senate Bill 383.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author and Senators Zakas, Breaux, and Craycraft be added as coauthors of Senate Bill 257.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 376.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be removed as author of Senate Bill 324 and that Senator Drozda be substituted therefor.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jackman be added as coauthor of Senate Bill 257.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author and Senator Simpson be added as coauthor of Senate Bill 135.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 134.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Mrvan and Craycraft be added as coauthors of Senate Bill 237.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 106.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators R. Young and Hume be added as coauthors of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Bill 145.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as second author of Senate Bill 194.

HUME

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kruse, Miller, Lawson, Landske, Merritt, Zakas, Paul, Nugent, Rogers, Craycraft, Lewis, Broden, and Lutz be added as coauthors of Senate Bill 340.

WYSS

Motion prevailed.

1:26 p.m.

The Chair declared a recess until 2:00 p.m.

Recess

(The message of Chief Justice Randall T. Shepard, is recorded in the House Journal.)

The Senate reconvened at 2:43 p.m., with Senator Garton in the Chair.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 17, 2006.

HARRISON

Motion prevailed.

The Senate adjourned at 2:44 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate